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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,818	04/12/2007	Takayuki Okai	133.0016 (F-2030US)	8727
27997 7590 04/27/2010 PRIEST & GOLDSTEIN PLLC 5015 SOUTHPARK DRIVE SUITE 230 DURHAM, NC 27713-7736				
EXAMINER SY, MARIANO ONG				
ART UNIT		PAPER NUMBER		
3657				
MAIL DATE		DELIVERY MODE		
04/27/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/583,818

Applicant(s)

OKAI, TAKAYUKI

Examiner

MARIANO SY

Art Unit

3657

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date ____

DETAILED ACTION

1. The disclosure is objected to because of the following informalities:

Page 13, line 16 "alarm lump 5" should be --alarm lamp 5--,

Page 16, line 21 "0.59 meter m/s²" should be -- 0.59 m/s² --.

Appropriate correction is required.

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited.

All numerals should be enclosed in parenthesis.

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

4. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a

separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

5. Claims 1-6 are objected to because of the following informalities:

Claim 1, line 4 "vehicle-speed detection means" wherein the use of hyphen between vehicle and speed should be consistent in all occurrences in all claims.

Claim 1, lines 5-6 "vehicle-body-acceleration-sensor output fluctuation width arithmetic means" wherein the use of hyphen should be consistent in all occurrences in all claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Idoguchi (JP 4-110239-A).

Idoguchi disclosed, as shown in fig. 1-5, a trouble diagnosis device of a vehicle body acceleration sensor 16 based on the vehicle body acceleration sensor which is mounted on a vehicle, a vehicle speed detection means 24 which detects a speed of the

vehicle, and a vehicle body acceleration sensor output fluctuation width arithmetic means, via the CPU 15, which calculates an output fluctuation width of the vehicle body acceleration sensor, wherein the trouble diagnosis device is operated until the vehicle speed which is detected by the vehicle speed detection means becomes equal to or more than a predetermined speed and the output fluctuation width of the vehicle body acceleration sensor which is calculated by the vehicle body acceleration sensor output fluctuation width arithmetic means becomes a predetermined value or more.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Idoguchi in view of Okai (US 6,682,153).

Idoguchi fails to disclose wherein the device further includes a timer means, a storing and updating means, a vehicle body acceleration arithmetic means which calculates the vehicle body acceleration based on an output signal of the vehicle speed detection means; and the trouble diagnosis device incorporated in a control device which performs an antilock brake control.

Okai teaches, as shown in fig. 1-3, a trouble diagnosis device includes a timer means, a storing and updating means, a vehicle body acceleration arithmetic means

which calculates the vehicle body acceleration based on an output signal of the vehicle speed detection means; and the trouble diagnosis device incorporated in a control device which performs an antilock brake control, see abstract and summary of the invention.

It would have been obvious to one of ordinary skill in the art to merely provide the trouble diagnosis device of Idoguchi to include the known timer means, a storing and updating means, a vehicle body acceleration arithmetic means which calculates the vehicle body acceleration based on an output signal of the vehicle speed detection means; and the trouble diagnosis device incorporated in a control device which performs an antilock brake control, as taught by Okai, in order to provide stability and normal operation of the vehicle.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tanaka	(US 5,203,821)
Matsuda	(US 5,212,640)
Pfeifle et al.	(US 5,265,472)
Horiuchi	(US 6,276,188)
Kohler et al.	(US 6,285,933)
Otake	(US 6,305,760)
Kobayashi et al.	(JP 4-110267A)
Yano	(JP 4-313062A)

Tsumagari (GB 2368400A)

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIANO SY whose telephone number is (571)272-7126. The examiner can normally be reached on Mon.-Fri. from 8:30 A.M. to 2:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/MS/

April 20, 2010

/Robert A. Siconolfi/
Supervisory Patent Examiner, Art
Unit 3657